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EXAMINER

DEGA, MURALI K

ART UNIT

PAPER NUMBER

3621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,930	Applicant(s) THIEME ET AL.	
	Examiner MURALI K. DEGA	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. This Office action is in response to the original application filed on 08 October 2009.
2. Claims 1-28 are pending.
3. Claims 1-28 have been examined.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 1 recites “storing the first reference template with an associated record identifier in a storage component” in lines 10 and 11 of page 2. Also, Claim 1 recites “storing the second reference template in a storage component” in line 14 of page 2. It is not clear to one of ordinary skill in the art, from the claim language if the two reference templates are stored in the same storage component or two different storage components.
7. Claim 26 also recites “storing the first reference template with an associated record identifier in a storage component” in lines 16-17 of page 7 and further recites

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“storing the second reference template in a storage component” in line 1 of page 8. It is not clear to one of ordinary skill in the art, from the claim language if the two reference templates are stored in the same storage component or two different storage components.

8. The Examiner has reviewed the drawings and specification but did not find support for two storage components.

9. Claim 2 recites “associating additional reference **templates** with the record identifier” in line 19 of page 2. It is not clear to one of ordinary skill in the art if the additional vendor’s algorithm yields more than one template or if the Applicant intends to recite that multiple reference templates are created by algorithms of multiple additional vendors.

10. Claim 3 recites “*the type of template* needed ...”. There is insufficient antecedent basis for this limitation in the claim. It is not clear to one of ordinary skill if the type of template refers to types of templates generated using different algorithms or the types of template refers to types of templates generated using different biometrics.

11. Claim 17 recites “performing a template comparison between the *match template* and the enrollment template”. It is not clear to one of ordinary skill in the art if the match template is supplied by the requesting authority or the match template is obtained from some other source or by some other means.

12. Claims 19, 25 and 28 recite “the verification template”. There is insufficient antecedent basis for this limitation in the claims. It is not clear to one of ordinary skill in the art if the verification template is a match template or a reference template.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheidt et al. (US 6,845,453) in view of Sullivan et al. (US 6,591,224).

15. With respect to claim 1:

16. Scheidt discloses a method for processing biometric information, comprising the steps of:

a. Capturing a biometric sample from a sensor (*Figs. 3, 4 and 5, col. 2, ll. 23-42, requires....users to submit....such as fingerprint scan, col. 2, ll. 23-42, biometric data.... Repeatedly and reliably captured*).

b. Transmitting the biometric sample from the sensor to a processing component (*Figs. 3, 4 and 5, where capturing and transmitting biometric data for matching purposes is depicted*).

c. Processing the biometric sample by a first vendor's algorithm to yield a first reference template (*Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template*).

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- d. Storing the first reference template with an associated record identifier in a storage component (*Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template*).
- e. Processing the biometric sample by a second vendor's algorithm to yield a second reference template (*Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance....to form a new template*). Scheidt discloses a method where two different templates being generated using the same sample. But Scheidt does not explicitly recite a different second vendor's algorithm being used to generate the second template.
- f. However Sullivan teaches generating multiple templates using multiple vendor algorithms of the same sample to be stored in a database for the purposes of future verification and to determine acceptance rate and rejection rate. ("in its use of software components, such as feature extraction and matching algorithms", C 4, ll. 27-37).
- g. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the method of Sullivan with that of Scheidt, to create a database of reference templates with different algorithms in order to provide a quick and accurate service to any requesting authority where the requesting authority may be using different biometric scanners using different software components such as different algorithms, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

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- h. Storing the second reference template in a storage component (*Figs. 3, 4 and 5, col. 2 ll. 23-42, biometric template, which is stored as an enrollment template*).
 - i. Associating the second reference template with the record identifier (*Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described*).
17. With respect to claim 2:
18. Scheidt discloses the method, further comprising the steps of:
- j. Processing the biometric sample by an additional vendor's algorithm to yield an additional reference template (*Col. 7, ll. 48-77, where a process of creating additional templates from different biometric instances and a process of comparing different template values is described*).
 - k. Associating additional reference templates with the record identifier (*Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described*).
 - l. Storing the additional reference templates in storage units (*Figs. 3, 4 and 5, col. 2 ll. 23-42, biometric template, which is stored as an enrollment template*).
19. With respect to claim 6:
20. Scheidt discloses the algorithms are selected from the group of the following technologies: minutiae matching, pattern matching, vector line analysis, Eigenface and neural network processing (*Col. 2, ll. 43-57, where commercial solutions that use*

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different methodologies to improve reliability of biometric authentication process is described).

21. With respect to claim 7:

22. Scheidt discloses the template creation process is preceded by an image pre-processing step wherein the image is modified according to information in a vendor profile associated with the algorithm (*Col. 2, ll. 43-57, where use of commercial solutions with different methodologies are described*).

23. With respect to claim 12:

24. Scheidt discloses wherein the information in the vendor profile is selected from the group of following: image dimension, resolution, scale, speed, time, frequency, and orientation (*Col. 12, ll. 25-33, For example, the present invention....biometric inputs on which to generate templates*).

25. With respect to claim 13:

26. Scheidt discloses wherein a fingerprint sample is captured on a livescan input device with at least 400 dots per square inch resolution (*Figs. 3, 4 and 5 indicate use of finger print reader*).

27. With respect to claim 14:

28. Scheidt discloses the templates are enrollment templates (*Col. 2, ll. 28-42, where the initial biometric template being stored as enrollment template and subsequent biometric new template being used as verification template is described*).

29. With respect to claim 15:

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30. Scheidt discloses wherein the templates are match templates (*Col. 2, ll. 28-42, where the initial biometric template being stored as enrollment template and subsequent biometric new template being used as verification template is described*).

31. With respect to claim 16:

32. Scheidt discloses further the step of performing a template comparison against a plurality of enrollment templates (*Col. 2, ll. 28-42, comparing the stored enrollment templates with verification templates for user identification is disclosed*).

33. With respect to claim 18:

34. Scheidt discloses further the step of using a weighting algorithm to evaluate the results of the different template matches (*Col. 2, ll. 43-57, where use of commercial solutions with different methodologies to aid in matching process are described*).

35. With respect to claim 19:

36. Scheidt discloses further the step of generating one final result as to whether there is a match between the person represented by the given identifier and the verification template based upon the plurality of template matches (*Col. 10, ll. 28-42, where evaluation of templates for matching purposes is described*).

37. With respect to claim 21:

38. Scheidt discloses wherein the matches are performed locally in proximity to the sensor (*Figs. 3, 4 and 5 where user identification being performed using finger print data in proximity to reader*).

39. With respect to claim 26:

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40. Scheidt discloses a method for processing biometric information, comprising the steps of:

- m. Retrieving a biometric sample from a storage component (*Figs. 3, 4 and 5 where recovery of enrollment template is depicted*).
- n. Transmitting the biometric sample from the storage component to a processing component (*Figs. 3, 4 and 5 where recovery and transmission for the comparison purposes is depicted*).
- o. Processing the biometric sample by a first vendor's algorithm to yield a first template (*Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template*).
- p. Storing the first reference template with an associated record identifier in a storage component (*Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template*).
- q. Processing the biometric sample by a second vendor's algorithm to yield another reference template (*Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance....to form a new template*).
- r. Storing the second reference template in a storage component (*Figs. 3, 4 and 5, col. 2 ll. 23-42, biometric template, which is stored as an enrollment template*).
- s. Associating the second reference template with the record identifier (*Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described*).

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41. With respect to claim 27:

42. Scheidt discloses the method, further comprising the steps of:

t. Processing the biometric sample by an additional algorithm to yield an additional template (*Col. 7, ll. 48-77, where a process of creating additional templates from different biometric instances and a process of comparing different template values is described*).

u. Associating additional templates with the record identifier (*Col. 7, ll. 10-23, where usage of user data to derive a unique identification is described*).

v. Storing additional templates in storage units (*Figs. 3, 4 and 5, col. 2 ll. 23-42, biometric template, which is stored as an enrollment template*).

43. Claims 3-5, 17, 20, 22-24 and 28 are rejected as being unpatentable over Scheidt and Sullivan as applied to claims 1, 2, 6, 7, 12-16, 18, 19, 21, 25-27 and further in view of Buffum et al. (US 20030037004) herein after referred to as Buffum.

44. With respect to claim 3:

45. Scheidt discloses all of the above limitations but does not explicitly disclose

w. Receiving request from a requesting authority to perform matching of templates or transmitting the template, if it is available, to the requesting authority

46. However, Buffum discloses

x. receiving a request for a template from a requesting authority, wherein the request identifies the type of template needed to perform the match and a given record identifier determining from a plurality of storage units if the requested type

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of template is available for the given record identifier (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed and comparing with a stored voice print is described*) and transmitting the template, if it is available, to the requesting authority (*Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described*).

y. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

47. With respect to claim 4:

48. Scheidt discloses The method further comprising the steps of:

z. Scheidt discloses the above limitations but does not explicitly disclose receiving request from a requesting authority to perform matching of templates. However, Buffum discloses receiving a request for a biometric verification from a requesting authority along with a match template, wherein the request identifies a given record identifier (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user*

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using voice print is disclosed). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

aa. Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units an enrollment template associated with the record identifier that is compatible with the match template (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described*).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

bb. Scheidt discloses performing a template comparison between the match template and the enrollment template (*Col. 2, ll. 23-42 where the process of comparing the enrollment template and verification template is described*).

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49. With respect to claim 5:

50. Scheidt discloses the above claim limitations but does not explicitly disclose returning the results of the match to the requesting authority. However, Buffum teaches the step of returning the result of the template match to the requesting authority (*Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

51. With respect to claim 17:

52. Scheidt discloses the method further comprising the steps of:

cc. Scheidt discloses the above limitations but does not explicitly disclose receiving request from a requesting authority. However Buffum teaches receiving a request for a match from a requesting authority wherein the request identifies a given record identifier (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication, in accordance with teachings of Buffum, to fulfill a request from a third party such

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as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

dd. Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units an enrollment template associated with the record identifier (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print and comparing with a stored voice print is described*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

ee. Scheidt discloses performing a template comparison between the match template and the enrollment template (*Col. 2, ll. 23-42 where the process of comparing the enrollment template and verification template is described*).

ff. Scheidt does not explicitly disclose locating stored enrollment template. However, Buffum discloses locating from a plurality of storage units a second enrollment template associated with the record identifier (*Abstract and fig. 1, where authentication server receiving a request from a third party requester to*

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authenticate previously enrolled user using voice print and comparing with a stored voice print is described). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication in accordance with teachings of Buffum, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

gg. Scheidt discloses performing a template comparison between the match template and the second enrollment template (*Col. 2, ll. 23-42 where the process of comparing the enrollment template and verification template is described*).

53. With respect to claim 20:

54. Scheidt discloses all of the above limitations but does not explicitly disclose the use of a centralized server. However, Buffum discloses the matches being performed on a centralized server (*Fig. 1 and abstract where usage of voice print authentication server is described*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use a centralized server in accordance with teachings of Buffum, to fulfill an authentication request from a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

55. With respect to claim 22:

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56. Scheidt discloses a method for processing biometric information, comprising the steps of:

hh. Capturing a biometric sample from a sensor (*Figs. 3, 4 and 5, col. 2, ll. 23-42, requires....users to submit....such as fingerprint scan, col. 2, ll. 23-42, biometric data.... Repeatedly and reliably captured*).

ii. Transmitting the biometric sample from the sensor to a storage component (*Figs. 3, 4 and 5, where capturing and transmitting biometric data for matching purposes is depicted*).

jj. Processing the biometric sample by the given vendor's algorithm to yield a template in the form as requested by the requesting authority (*Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template*).

kk. Scheidt does not explicitly disclose receiving a request for a given vendor's template from a requesting authority, wherein the request identifies the type of template needed to perform verification and a given record identifier. However, Buffum teaches (*Abstract and fig. 1*) where authentication server receiving a request from a third party requester to authenticate previously enrolled user using voice print is disclosed and comparing with a stored voice print is described. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to conduct biometric data authentication over a LAN or WAN or on web, in accordance with teachings of Buffum, to fulfill a request from a third party such

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as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

57. With respect to claim 23:

58. Scheidt discloses all of the above limitations but does not explicitly disclose returning the results to the requesting authority. However, Buffum teaches the step of returning the result of the template match to the requesting authority (*Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

59. With respect to claim 24:

60. Scheidt discloses all of the above limitations but does not explicitly disclose returning the template to the requesting authority. However, Buffum teaches the step of returning the template to the requesting authority (*Abstract and fig. 1, where the authentication results being reported to the user and the requesting authority is described*). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party

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such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

61. With respect to claim 25:

62. Scheidt discloses comprising the step of performing a template comparison between the verification template and the enrollment template (*Figs. 3, 4 and 5, col. 2 ll. 23-42, where comparing the two templates to determine user identification*).

63. With respect to claim 28:

64. Scheidt discloses a method for processing biometric information, comprising the steps of:

ll. Processing the biometric sample by a first vendor's algorithm to yield a first verification template for a given user (*Figs 3, 4 and 5, col. 2, ll. 23-42, unique characteristics....of biometric instance are extracted to form a biometric template*).

mm. Processing the biometric sample by a second vendor's algorithm to yield a second verification template for the same user (*Figs. 3, 4 and 5, col. 2, ll. 23-42, a subsequent biometric instance....to form a new template*).

nn. Upon successful match, storing the first vendor's verification template as an enrollment template associated the user (*Figs. 3, 4 and 5, col. 2, ll. 23-42, biometric template, which is stored as an enrollment template*).

oo. Scheidt does not explicitly disclose performing a match between the second vendor's verification template and a previously stored compatible

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enrollment template associated with the user. However, Buffum teaches (*Col. 2, ll. 23-42*) the process of comparing the enrollment template and verification template is described. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to transmit the matching results over a LAN or WAN or on web, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

65. Claims 8-11 are rejected as unpatentable over Scheidt and Sullivan as applied to claims 1 and 7, and further in view of Kawan et al. (US 7,039,812) herein after referred to as Kawan.

66. With respect to claim 8:

67. Scheidt disclose all of the above limitations but does not explicitly disclose the information in the vendor profile is selected from the group of following: image dimension, resolution, scale, speed, time, frequency, and orientation. However, Kawan teaches (*Col. 2, ll. 55-67*) the requesting authority directing the manner in which the user biometric sample to be presented for authentication. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use vendor profile in terms of image dimension, resolution, scale, speed, time, frequency, and orientation, to fulfill a request from a third party such

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as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

68. With respect to claim 9:

69. Scheidt disclose all of the above limitations but does not explicitly disclose the vendor profile is created prior to the image pre-processing step based on features associated with a specific algorithm. However, Kawan teaches (*Col. 2, ll. 55-67*) presenting user samples in a predetermined sequence, technical equivalent of creating a vendor profile prior to image processing. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to creation of vendor profile prior to image processing, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

70. With respect to claim 10:

71. Scheidt disclose all of the above limitations but does not explicitly disclose extracting several different sub-samples form the sample by means superimposing geometric shapes on the original sample wherein such geometric shapes correspond with the vendor profile; and performing matches between templates created from the sub-samples and enrollment templates. However, Kawan teaches (*Col. 1, ll. 35-46*) comparing, matching and making decisions based on predetermined parameters, (*Col. 2, ll. 55-67*) use of multiple biometric samples, which is functional equivalent of several

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different sub-samples being used. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use predetermined parameters, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

72. With respect to claim 11:

73. Scheidt disclose all of the above limitations but do not explicitly disclose the geometric shapes being rectangles. However, Kawan teaches (Col. 9, ll. 26-46) presenting biometrics and other credentials in a suitable form. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have modified the system of Scheidt so as to use a suitable form, to fulfill a request from a third party such as a requesting authority, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation nor risk of unexpected results.

Claim Interpretation

74. Because claims recite neither "step for" nor "means for," claims fail Prong (A) as set forth in MPEP §2181. Because claims fail Prong (A) as set forth in MPEP §2181, the Examiner concludes that claims do not invoke 35 U.S.C. §112, 6th Paragraph. See also *Ex parte Miyazaki*, 89 USPQ2d 1207, 1215-16 (B.P.A.I. 2008)(precedential).

Response to Arguments

75. With respect to rejection of claims 1-28, the Applicant's arguments filed January 21, 2009 have been fully considered but they are not persuasive.

76. With respect to the Applicant's argument that Scheidt does not teach processing the biometric sample twice using different algorithms is moot in view of the new ground(s) of rejection.

Conclusion

77. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

78. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

79. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

80. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURALI K. DEGA whose telephone number is

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(571)270-5394. The examiner can normally be reached on Monday to Thursday 7.30 to 4.00 ET.

81. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

82. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.K.D/
Art Unit 3621
December 31, 2009

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621